

# EXHIBIT A

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*Counsel for Nonparty Dr. Pierre-Anthony Lemieux*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ADVANCED CODING  
TECHNOLOGIES LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 25-80123

(Related to Pending Out-of-State  
Action: 2:24-cv-00353-JRG in the  
Eastern District of Texas)

**DECLARATION OF PATRICK A.  
LUJIN IN SUPPORT OF  
NONPARTY DR. PIERRE-  
ANTHONY LEMIEUX'S MOTION  
TO QUASH DEPOSITION  
SUBPOENA**

[Filed concurrently with Notice of  
Motion and Motion to Quash,  
Declaration of Mayela C. Montenegro-  
Urch, and [Proposed] Order]

Date:        To Be Set  
Time:        To Be Set  
Judge:        To Be Assigned  
Ctvm:        To Be Assigned

1 I, Patrick A. Lujin, hereby declare as follows:

2 1. I am a partner with the law firm of Shook, Hardy & Bacon L.L.P.,  
3 counsel for nonparty Dr. Pierre-Anthony Lemieux in connection with individual  
4 deposition subpoenas issued by Advanced Coding Technologies LLC (“ACT”) in  
5 connection with its cases against Google and Apple referenced in the paragraphs  
6 directly below. I am licensed to practice law in the State of Missouri.

7 2. On May 2, 2025, counsel for ACT emailed two deposition subpoenas to  
8 Dr. Lemieux in connection with the two underlying cases: *Advanced Coding Techs.,*  
9 *LLC v. Google LLC*, No. 2:24-cv-00353-JRG and *Advanced Coding Techs., LLC v.*  
10 *Apple Inc.*, No. 2:24-cv-00572-JRG, attached as Exhibits A and B, respectively, to the  
11 Declaration of Mayela C. Montenegro-Urch in support of Nonparty Dr. Lemieux’s  
12 Motion to Quash Deposition Subpoena.

13 3. ACT has accused various Google products of infringing ACT’s patents,  
14 such as Google’s Pixel smartphone and tablet products. *See Advanced Coding Techs.,*  
15 *LLC v. Google LLC*, No. 2:24-cv-00353-JRG, Dkt. 23 at ¶ 86 (E.D. Tex. Aug. 2,  
16 2024) (ACT’s First Amended Complaint against Google).

17 4. ACT has also accused various Apple products, such as iPhones and  
18 iPads, of infringing ACT’s patents. *See Advanced Coding Techs., LLC v. Apple Inc.*,  
19 No. 2:24-cv-00572-JRG, Dkt. 1 at ¶ 29 (E.D. Tex. July 22, 2024) (ACT’s Complaint  
20 against Apple).

21 5. Dr. Lemieux earned a Ph.D. in physics from the University of California  
22 at Los Angeles in 2001, and he has been a Partner at Sandflow Consulting since 2009.  
23 *See* <https://www.linkedin.com/in/pierrealemieux>.

24 6. Dr. Lemieux first became associated with The Alliance for Open Media  
25 (“AOMedia”) in January 2024, and he has served as AOMedia’s Executive Director  
26 since January 2024. *Id.*

1           7. AOMedia is a non-profit organization that is a nonparty to the  
2 Underlying EDTX Cases. See <https://aomedia.org/join/> (“AOMedia is a non-profit  
3 organization. . . .”). AOMedia is an organization with standards available for free on its  
4 website. See <https://aomedia.org/about/story/>; <https://aomedia.org/oss/>.

5           8. My law firm also represents AOMedia in connection with four nonparty  
6 subpoenas issued by ACT in February 2025 in connection with ACT’s underlying  
7 cases against Apple and Google. ACT’s subpoenas to AOMedia included a total of 34  
8 document requests and 36 deposition topics, including a document request for “[a]ll  
9 communications between Google and AOM regarding ACT, ACT’s Patents, and/or  
10 this litigation.” The district for compliance with the AOMedia subpoenas is the  
11 District of Massachusetts.

12           9. ACT does not contend that either Dr. Lemieux or AOMedia have been  
13 involved in the development of any Google or Apple products, and such involvement  
14 would not be appropriate under AOMedia’s charter. See [Microsoft Word - Alliance  
15 for Open Media Charter V.1.1.docx](#) at §16 (“Each Member may design, develop,  
16 manufacture, acquire or market competitive deliverables, products and services, and  
17 conduct its business, in whatever way it chooses.”)

18           10. AOMedia responded in writing to the four AOMedia Subpoenas on  
19 March 13, 2025. AOMedia and ACT have continued to meet-and-confer regarding  
20 AOMedia’s responses to the four AOMedia Subpoenas – most recently on May 15,  
21 2025 with follow-up email correspondence on May 16, 2025.

22           11. I contacted ACT’s counsel Joseph Mercadante on May 12, 2025 via  
23 email requesting a meet-and-confer to discuss the individual subpoenas served on Dr.  
24 Lemieux. Mr. Mercadante responded the next day that we should meet-and-confer  
25 about the subpoenas to Dr. Lemieux and the subpoenas to AOMedia at the same time  
26 and discuss them “holistically”. We agreed to meet-and-confer on May 15, 2025  
27 regarding both disputes.

13. To avoid unnecessary motion practice, I asked ACT's counsel during the May 15 meet-and-confer to expressly withdraw the individual subpoenas to Dr. Lemieux in writing. I explained that ACT's withdrawal of Dr. Lemieux's subpoenas could be made without prejudice to ACT issuing new subpoenas in the future (if we are not able to resolve the dispute as to Dr. Lemieux), and that I would agree to accept service of any such future subpoenas on Dr. Lemieux via email. But on May 16 ACT's counsel sent an email rejecting my request to withdraw the subpoenas without prejudice.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct to the best of my information, personal knowledge, and belief. If called as a witness, I could and would testify competently to the foregoing under oath.

Executed this 19th day of May, 2025 at Kansas City, Missouri.

By: Patrick A. Lujin  
Patrick A. Lujin